

Sample Attention Grabber and Scenarios:

When Should Juveniles be Tried as Adults?

Note: This material was prepared by Colorado District Judges David Prince and David Shakes who would be happy to talk to you about the program. They can be reached at: david.prince@judicial.state.co.us (719 452-5234) or david.shakes@judicial.state.co.us

Opening Attention Grabber

Courtesy of David Shakes

Let me tell you a story, a true story, of a murder committed by someone your age. Then you can be the judge on the case. A few years ago a young man, about your age, was skipping school in Monument. The school decided that he had to attend classes with a parent or adult guardian with him in the classroom. The boy's father worked in Denver so it was decided that his grandmother would go to classes with him. The night before the first day of this program the young man shot his grandmother in the head with a rifle while she was sleeping. She died. Does the 15 year old get tried as an adult or as a juvenile? What difference does it make? If you are the judge, how would you decide if this young man should be tried as an adult or as a juvenile? These are the problems we are going to be talking about today and through discussing these problems you will get to understand what judges do.

Sample Fact Scenarios from Colorado courts

JUVENILE OR ADULT SYSTEM

JAMIE GILGAL

Jamie Gilgal is 14 years old. The prosecutor claims that, one week ago, Jamie was a passenger in a car that drove up to the high school parking lot. The driver of the car has not yet been identified. Jamie had a 9mm pistol and fired in the direction of a group of about a dozen students. Two of the students in the group are known gang members. Witnesses and evidence to date vary on the number of shots fired.

One bullet struck a student in the mouth. He was treated at the hospital, given stitches, and released. Whether the injured student has gang ties is not currently known.

Jamie Gilgal has a prior juvenile record for truancy. Police had no information on Jamie's potential gang ties prior to this incident.

Apply the standards provided and determine whether Jamie Gilgal should be prosecuted as a juvenile or an adult. Plan to describe your analysis of the standards adopted by the class.

JUVENILE OR ADULT SYSTEM

VANESSA VIEMEN

Vanessa Viemen is 17 years old. Vanessa was raped by a neighbor. Vanessa immediately reported the rape to the police. The police began an investigation of her report. Three days later, the neighbor was shot to death in his home. The prosecutor claims Vanessa Viemen shot and killed the neighbor after deliberation, which is premeditated murder.

Vanessa Viemen has a prior juvenile record for shoplifting.

Apply the standards provided and determine whether Vanessa Viemen should be prosecuted as a juvenile or an adult. Plan to describe your analysis of the standards adopted by the class.

JUVENILE OR ADULT SYSTEM

ROBERT MICKELSON

Robert Mickelson is 15 years old. The prosecutor claims that Robert broke into a car in a parking lot and stole items with a value of more than \$500. He is charged with felony theft.

Robert Mickelson has a prior juvenile record for fighting, possession of alcohol by a minor, menacing, possession of methamphetamine, and homicide. The homicide arises out of Robert shooting another student when Robert was 14. The police believe the killing resulted from a drug deal gone bad and originally charged Robert with murder. However, the prosecutor had problems proving the case and gave Robert a plea deal. Robert pled guilty to a lesser charge of accidentally causing a death and was sentenced to probation.

Apply the standards provided and determine whether Robert Mickelson should be prosecuted as a juvenile or an adult. Plan to describe your analysis of the standards adopted by the class.